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FILED

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

REUBEN JOSEPH REYES,

Plaintiff,

vs.

ROBERT A. HOREL, et al.,

Defendants.

CASE NO. C 08-4561 RMW (PR)

**STIPULATION AND []
ORDER CONTINUING:**

**1. DEADLINE TO REPLY TO
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' RENEWED MOTION
FOR SUMMARY JUDGMENT; AND
2. RELATED DEADLINES**

[Civil Local Rules 6-2 and 7-12]

Honorable Ronald M. Whyte

1. The following stipulation requests that the deadline for filing a reply to Plaintiff's Opposition to Defendants' Renewed Motion for Summary Judgment, currently set for January 17, 2012, be extended by two days to **January 19, 2012**, and that all related deadlines be continued accordingly.

STIPULATION

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Reuben Reyes and Defendants Horel, Terry, Chadwick, Harrison, Fischer, and Berkler, by and through their respective counsel, stipulate and request as follows:

1. WHEREAS, on January 10, 2012, Plaintiff filed an Opposition to Defendants' Renewed Motion for Summary Judgment (Docket No. 120), setting the deadline for a reply to the opposition as January 17, 2012, per local rule 7-3(c);

2. WHEREAS, counsel for Defendants is in the process of preparing a reply to the opposition, but requires several additional days in order to respond to the lengthy opposition, which consists of 25 pages of text and several declarations;

3. WHEREAS, with respect to Civil L.R. 6-2(a)(1), the parties have conferred regarding particular reasons an extension of the deadline is mutually-agreeable, including that Defendants are in the process of preparing the reply but require a short extension of time to complete it;

4. WHEREAS, with respect to Civil L.R. 6-2(a)(2), the previous time modifications in this action include: a) Defendants' motion to change time for filing a dispositive motion, which was granted by this Court on April 15, 2009 (Docket No. 21); b) a second motion to change time filed by Defendants in order to enable Defendant Chadwick to join Defendants Horel, Berkler, Harrison, and Fischer's Motion for Summary Judgment, granted by this Court on

1 August 25, 2009 (Docket No. 65).); c) a Stipulation and [Proposed] Order Continuing: 1. Non-
 2 Expert Discovery Cut-Off; and 2. Related Deadlines (Docket No. 104), filed May 27, 2011; d) a
 3 Stipulation and [Proposed] Order Continuing: 1. Non-Expert Discovery Cut-Off; and 2. Related
 4 Deadlines (Docket No. 105), filed June 30, 2011; e) a Stipulation and [Proposed] Order
 5 Continuing: 1. Non-Expert Discovery Cut-Off; and 2. Related Deadlines (Docket No. 110), filed
 6 October 12, 2011; Stipulation and [Proposed] Order Continuing Deadline to Respond to
 7 Defendants' Renewed Motion for Summary Judgment (Docket No. 119); and

8
 9 5. WHEREAS, with respect to Civil L.R. 6-2(a)(3), a two day continuance of
 10 the deadline to complete the reply to Plaintiff's Opposition to Defendants' Renewed Motion for
 11 Summary Judgment and related deadlines will not at this stage have a significant effect on the
 12 overall schedule for this case;

13
 14 NOW, THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED that the
 15 Court continue the deadline to reply to Plaintiff's Opposition to Defendants' Renewed Motion for
 16 Summary Judgment to **January 19, 2012**, and continue all related deadlines accordingly.

17
 18 **E-FILING ATTESTATION**

19
 20 By his signature below, and pursuant to General Order 45, counsel for Defendants
 21 attests that counsel for all parties whose electronic signatures appear below have concurred in the
 22 filing of this Stipulation.

23
 24 Dated: January 13, 2012

By: /s/ William J. Newsom
 PEARSON, SIMON, WARSHAW & PENNY, LLP
 Attorneys for Plaintiff REUBEN JOSEPH REYES

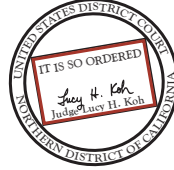
1 Dated: January 13, 2012

By: /s/ Michael J. Quinn
Deputy Attorney General

*Attorneys for Defendants FISCHER, HARRISON,
HOREL, TERRY, CHADWICK, and BERKLER*

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.



9 Dated: FEB 13 2012

†
The Honorable Ronald M. Whyte
United States District Court Judge